

**OFFICIAL MINUTES
COMMISSION OF THE CITY OF BRUNSWICK, GEORGIA
REGULAR MEETING
8:30 A. M., MAY 2, 1990**

PRESENT: His Honor Mayor Homer L. Wilson, Commissioners
James A. Stephens, Thomas P. Williams, Ken
Tollison and Larry Credle.

INVOCATION

The Invocation was given by Commissioner James A. Stephens.

APPROVAL OF MINUTES

Commissioner Credle moved that the minutes of April 18, be approved. Motion was seconded by Commissioner Stephens and was unanimously carried.

COMMENDATION

Mayor Wilson presented Laura Nutgrass a resolution commending her and Haskell Nutgrass for administering CPR and saving the life of a citizen. Received with appreciation.

Mayor Wilson read a letter from the Jekyll Island Authority commending the City's Fire Department for mutual aid in extinguishing a fire on Jekyll Island in April.

MUNICIPAL CLERK'S WEEK

Mayor Wilson read a proclamation proclaiming the Week of May 6-12, 1990 as Municipal Clerk's Week in the City of Brunswick.

DARTMOUTH STREET TREE

Many residents were present to discuss the tree that was planted in the middle of Dartmouth Street. The Old Town

Preservation Association members were present to recommend that the tree not be removed. Frank Vande Linde, chairman of the Park and Tree Commission stated that the original tree on Dartmouth Street did not die of disease, but from being struck by cars. Mr. Vande Linde further stated that the Park and Tree Commission decided that they did not want to replant the tree in the middle of Dartmouth Street because of hazard and liability it would cause the City. Mrs. Craft stated that the historic oaks in the South End are visited by many people from all over the country and tourism is very important to the City. Commissioner Williams stated that he had reservations and pointed out that the Park and Tree Commission did have the Authority to remove the tree. Commissioner Credle stated that the Commission had to concur with the Park and Tree Commission because they have the authority to make decisions under the Charter. Commissioner

Tollison stated that it was a decision that should be made by the Park and Tree Commission. Commissioner Stephens suggested that the City set up a telethon to answer calls from citizens with suggestions of what should happen to the oak tree. Commissioner Williams moved to accept the recommendation of the Park and Tree Commission. Motion was seconded by Commissioner Credle.

Commissioner Stephens moved that the motion be amended to give the citizens an opportunity to call in and vote on the issue. The motion died for lack of second. On call for

the question the motion carried by vote of 3 to 1 to O. Commissioner Stephens voting No and Commissioner Tollison abstaining.

ALCOHOLIC BEVERAGES LICENSE

Petition received from Willie Hillery to retail beer only for consumption on premises at Hillery's Sandwich Shop, 1511 London Street, having been approved by the Chief of Police and City Manager. Commissioner Tollison moved that petition be granted. Motion was seconded by Commissioner Credle and was unanimously carried.

Petition received from Frank Slay to retail alcoholic beverages for consumption on premises at Honey Love Lounge 1807 L Street having been approved by the Chief of Police and City Manager. Commissioner Credle moved that petition be granted. Motion was seconded by Commissioner Tollison and was unanimously carried.

BIDS

The following bids were received on re-roofing the Control Building at Wastewater Treatment Plant:

Vendor	Bid
Coastal Roofing Brunswick, GA	\$3,390.00*
W. P. King & Son Brunswick, GA	\$7,030.00
Pee-Wee & Son's Roofing Co. Brunswick, GA	\$3,850.00
Sloan Roofing Brunswick, GA	\$4,300.00

Commissioner Williams moved that the low bid be accepted. Motion was seconded by Commissioner Credle and was unanimously carried.

The following bids were received on a 4 ton air conditioner at Community Center on H Street:

Vendor	Bid
Climate Controllers Brunswick, GA	\$3,790.00
Georgia Refrigeration Inc. Brunswick, GA	\$2,571.00*
Gray's Climate Makers Brunswick, GA	\$2,850.00

Commissioner Credle moved that the low bid be accepted. Motion was seconded by Commissioner Williams and was unanimously carried.

LARP CONTRACT

Commissioner Stephens moved that the Mayor be authorized to execute LARP contract to resurface 4.33 miles of City Streets. Motion was seconded by Commissioner Williams and was unanimously carried.

REVENUE SHARING FUNDS

The City Manager reported that a balance of \$30,000 is remaining in the Revenue Sharing Account and that he would like to redesignate the balance to purchase a Fire Hydrant Maintenance Truck for \$20,000 and designate the remaining balance for sidewalk projects in the City.

Commissioner Stephens moved that the City Manager's recommendation be approved. Motion was seconded by Commissioner Credle and was unanimously carried.

SIDEWALK PROJECTS

The City Engineer submitted plans for installing sidewalks in the 1800 block of J street adjacent to Lanier Field starting at Lanier Plaza and ending at Niles Avenue, for an estimated cost of \$17,000.00.

Commissioner Tollison moved that the recommendation of staff to install sidewalks be approved. Motion was seconded by Commissioner Williams and was unanimously carried.

EXECUTIVE SESSION

Commissioner Credle moved to hold an Executive Session to discuss future Right-of-way Acquisitions. Motion was seconded by Commissioner Stephens and was unanimously carried.

ADOPTION OF NOISE ORDINANCE

Following a lengthy discussion, Commissioner Credle moved that the Noise Ordinance be approved subject to the necessary corrections in Section No. 8. Motion was seconded by Commissioner Williams. On call for question the motion carried by vote of 4 to 1. Commissioner Tollison voting No.

Commissioner Tollison moved that the motion be amended to remove Section No. 8 entirely in the Noise Ordinance. Motion was seconded by Commissioner Stephens. On call for the question the motion carried by vote of 4 to 1. Commissioner Credle voting No.

AN ORDINANCE TO CONTROL NOISE WITHIN THE CITY OF BRUNSWICK; TO PRESCRIBE PROHIBITED ACTS AND SOUND LEVELS; TO PROVIDE FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSE.

BE IT ORDAINED by the Commission of the City of Brunswick in Regular Meeting lawfully assembled, and it is hereby ordained by authority of the same, as follows:

SECTION I. TITLE.

This Ordinance will be known and may be cited as the "City of Brunswick Noise Control Ordinance."

SECTION II. DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this Ordinance, unless otherwise specifically stated. The definitions of technical terms used which are not herein defined shall be obtained from publications of acoustical terminology issued by the American National Standards Institute (ANSI) or its successor body.

"A-weighted sound level" shall mean the sound pressure level as measured in decibels on a sound level meter using the A-weighting network. The level is designated dB(A) or dBA.

"Construction" shall mean any site preparation, assembly, erection, substantial repair, alteration or similar action, for or on public or private rights of way, structures, utilities or similar property.

"Decibel" shall mean a logarithmic and dimensionless unit of measure used in describing the relative loudness or level of sound.

"Emergency" shall mean any occurrence or set of circumstances involving actual or imminent physical or psychological trauma or property damage which demands immediate action.

"Emergency Work" is work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger.

"Industrial District" shall mean a Basic Industrial District or a General Industrial District as defined in the Zoning Ordinance.

"Motor Vehicle" shall mean any motor-operated vehicle licensed for use on the public highways.

"Noise" shall mean any sound which disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

"Noise-sensitive activities" shall mean any activities which should be conducted under conditions of exceptional quiet, including but not limited to operation of schools, libraries open to the public, churches, hospitals and nursing homes.

"Noise-sensitive area" shall mean any area designated for the purpose of ensuring exceptional quiet and clearly posted with "Noise-Sensitive Area" signs, because of the noise-sensitive activities conducted therein.

"Noise disturbance" shall mean any sound which endangers or injures the welfare, safety or health of human beings, or disturbs a reasonable person of normal sensitivities, or devalues or injures personal or real property as hereinafter defined.

"Person" shall mean any individual, partnership, firm or corporation, or any combination of one or more of them.

"Plainly audible" shall mean a sound which can be heard at a distance of one hundred (100) feet from the source where the sound emanates.

"Public right of way" shall mean any street, avenue, highway, lane or similar place which is owned or controlled by a governmental entity.

"Public space" shall mean any real property including any structure thereon which is owned or controlled by a governmental entity.

"Real property boundary" shall mean an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

"Receiving land use" shall mean the use or occupancy of the real property which receives the transmission of sound as hereinafter defined.

"Sound Level" shall mean the quantity in decibels measured with an instrument satisfying requirements of American National Standard Specifications for Type I or Type II Sound Level Meters. Fast time averaging and A-frequency weighting shall be used.

"Times" shall mean Eastern Standard Time or Daylight Savings Time as observed in the State of Georgia.

"Type I Sound Level Meter" means a sound level meter which meets the Type I requirements of ANSI specifications for sound level meters.

"Type II Sound Level Meter" means a sound level meter which meets the Type II requirements of ANSI specifications for sound level meters.

"Zoning Districts" shall mean those districts established by the Zoning Ordinance.

SECTION II. EXCEPTIONS.

The provisions of this Ordinance shall not apply to:

- (A) Emission of sound for the purpose of alerting people to the existence of danger;
- (B) Emission of sound in the performance of Emergency Work;
- (C) Agricultural activities;
- (D) Rail and air transportation and/or public transportation vehicles;
- (E) Church or clock carillons, bells or chimes;
- (F) Fireworks or fireworks display for which a permit has been issued by the City;
- (G) Burglar alarm when properly maintained in accordance with rules and regulations to be promulgated by the Police Department and approved by the City Commission.

SECTION IV. NOISE DISTURBANCE PROHIBITED.

No person shall make, continue or cause to be made or

continued, excepted or permitted, any noise disturbance, or noise in excess of the limits for such noise established in this Section.

(A) With the exception of sound levels elsewhere specifically authorized by this Ordinance, Table I sets forth the maximum permissible sound levels allowed at or within the real property boundary of a receiving land use. Any activity or use that produces a sound in excess of such noise levels for the receiving land use shall be deemed a "noise disturbance" and in violation of this Ordinance.

(B) The measurement of sound or noise shall be made with a sound level meter meeting the standards prescribed by ANSI or its successor body. The measurement of all sound levels shall be made as close to the property line of the receiving land as is practical. The measurement period shall not be less than ten (10) minutes, and the sound level measured shall not exceed the sound levels set forth in Table I by more than ten (10) percent during any measurement period. A calibration check be made of the system at the time of any noise measurement. The Chief of Police shall formulate in accordance with recognized sound testing standards rules and regulations describing how measurement of sound levels will be made.

Zoning Category of Receiving Land Use (1)	Time(3)	Sound Level Limit dBA
Residential (2)	7:00 A. M. - 11:00 P. M.	60
	11:00 P. M. - 7:00 A. M.	55
Commercial (2)	12:00 P. M. - 7:00 A. M.	55

- (1) As set forth in the Zoning Ordinance.
- (2) Any zoning district containing the letter "R" or "C" as appropriate.
- (3) Unless otherwise stated in this ordinance.

(a) The provisions of this Sections shall not apply to the operation of the following domestic power tools or equipment between the hours of 7:00 A.M. and 10:00 P.M.

- (1) Electrical power tools.
- (2) Motor-powered, muffler-equipped lawn, garden and tree trimming equipment.

SECTION V. SPECIFIC ACTIVITIES PROHIBITED.

(A) Sales by "Hawking" or "Barking". No person shall offer for sale or sell anything by shouting or outcry within any residential area.

(B) Loading and Unloading. No person shall load,

unload, open, close or handle boxes, crates, containers, building material, refuse, garbage cans, dumpsters, motor vehicles, or similar objects between the hours of 8:00 P. M. and 7:00 A. M. the following day as to create a noise disturbance across a residential real property boundary line.

(C) Vehicle or Motor Boat Repair and Testing. No person shall repair, rebuild, modify or test any motor vehicle, motorcycle or motorboat in such a manner as to create a noise disturbance across a residential real property boundary.

(D) Power Model Vehicles. No person shall operate or permit the operation of a powered model vehicle in a public or private space out-of-doors within one hundred fifty (150) feet of a residential real property boundary.

(E) Musical Instruments and Similar Devices. No person shall operate, play or permit the operation or playing of any drum, musical instrument or similar device which produces sound in a manner as to create a noise disturbance across a residential real property boundary, subject to the provisions of Section VI(B) and Section IX.

SECTION VI. REGULATION OF SOUND EQUIPMENT AND SOUND AMPLIFYING EQUIPMENT.

(A) Except for activities for which a permit has been issued by the City Commission or its designee under this Section, no person shall so operate, play or permit the operation or playing of any radio, television, tape player, compact disc player or phonograph or similar device so as to:

- (1) Create a noise disturbance across a residential real property boundary line. Bars, taverns, lounges, nightclubs, dance halls, gamerooms and similar activities which produce a noise that is plainly audible beyond the premises shall be deemed a noise disturbance in violation of this Ordinance.
- (2) Create a noise which is plainly audible other than to the occupant, when such device is operated in or on a private motor vehicle on a public right-of-way or public space.
- (3) Create a noise which is plainly audible at a distance of one hundred (100) feet in or on any public space.

(B) Sound Equipment Permitted. Except as hereafter provided, no person shall use, operate, or cause to be used or operated any radio, record player, tape deck or player, loudspeaker, amplifier, sound track or other device for producing, reproducing or amplifying sounds, hereinafter referred to as "sound equipment: upon the public streets or upon any private or public premises so as to produce a noise disturbance. However, the following activities when authorized by the City Manager in writing may use sound equipment which produces a sound not to exceed ninety (90) dB(A)'s when measured at

a distance of fifty (50) feet from such equipment.
Where the receiving land is residential, such equipment
may be used only from 9:00 A. M. to 11:00 P.M.

- (1) Public health and safety purposes;
- (2) Fairs, carnivals and similar activities;
- (3) Parades, processions, excursions and associated festivities;
- (4) Outdoor concerts and theatrical performances;
- (5) Outdoor neighborhood functions such as lawn and pool parties, street dances and similar activities;
- (6) Civic and religious celebrations;
- (7) Recreational and athletic activities.

(C) Commercial Advertising - Sound Equipment Prohibited. No sound equipment shall be permitted to be used on public streets or public places, or in any building or upon any premises if the sound therefrom may be plainly audible from any public street or public place when any such use is for commercial advertising purposes or for any purpose of attracting attention of the public to any structure or building for monetary gain.

SECTION VII. CONSTRUCTION.

(A) No person shall operate or permit the operation of any tools or equipment in construction, drilling or demolition work or in preventive maintenance for public service utilities.

- (1) Between the hours of 10:00 P. M. and 7:00 A. M. in any manner which creates a noise disturbance across a residential real property boundary.
- (2) At any other time in any manner which creates a noise disturbance across a real property boundary; for the purpose of this subparagraph, a sound level at or across the real property boundary in excess of eighty-five (85) dbA shall be deemed a noise disturbance.

SECTION IX. VARIANCE.

(A) Variance Permit. A variance permit to cause or create a noise at sound levels which would otherwise be in violation of this Ordinance may be granted by the City Commissioners upon recommendation by the Chief of Police if:

- (1) Additional time is necessary for the applicant to alter or modify the activity in order to comply with the provisions of this Ordinance;
or
- (2) The activity, operation or noise source will be of a temporary duration and cannot be done

in a manner that would comply with the provisions of this Ordinance; and

(3) No reasonable alternative is available to the applicant.

(B) Conditions. Any permit granted pursuant to this Section shall contain therein all conditions placed upon the holder of the permit as conditions to the permit being granted, including but not limited to the effective date, time of day, location, sound level limit or equipment limitation. Application for such a permit shall be made in writing in such form as is acceptable to the City through the City Manager's office.

SECTION X. ADMINISTRATION, APPEALS AND PENALTIES.

(A) The Chief of Police shall implement, administer and enforce the provisions of this Ordinance and shall issue orders requiring the abatement of all violations and the revocation of permits issued.

(B) Any person aggrieved by a decision or order rendered by the Chief of Police, after exhausting all administrative remedies, shall have the right to appeal to the Municipal Court of the City of Brunswick.

(C) Any person in violation of this Ordinance, upon conviction, shall be guilty of a misdemeanor and shall be subject to such penalties as are permitted by the City Charter or general law. Each and every day a violation continues shall be deemed a separate offense.

SECTION XI. SEVERABILITY, REPEALER, EFFECTIVE DATE.

(A) If any provision of the Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provisions, and such holding shall not affect the remaining provisions of the Ordinance.

(B) Any and all other ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

(C) This Ordinance shall become effective on _____.

MEETING ADJOURNED.

Mayor

Attest: _____

Secretary of the City Commission